

James Snow
244 Summer Street
Plantsville, CT 06479

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

James Snow, RN
Registered Nurse License No. [REDACTED]
respondent.

ES7132

JC

CASE PETITION NO. 981008-010-066

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter "the Board") was presented by the Department of Public Health (hereinafter "the Department") with a Statement of Charges and Motion for Summary Suspension dated December 30, 1998 (Dept. Exh. 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by James Snow (hereinafter "respondent") which would subject respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges, accompanying affidavits and reports, the Board found that the continued practice of nursing by respondent presented a clear and immediate danger to public health and safety. On January 6, 1999, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Registered Nurse license of respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. (Dept. Exh. 1)

The Board issued a Notice of Hearing dated January 6, 1999, scheduling a hearing for January 20, 1999. (Dept. Exh. 1)

Respondent was provided notice of the hearing and charges against him. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to respondent and respondent's attorney. Transcript, October 20, 1999, pp. 7-8.

The hearing scheduled for January 20, 1999, was continued and took place on October 20, 1999, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Transcript, October 20, 1999, p. 7.

Respondent was not present during the hearing but was represented by counsel. Respondent received notice of the October 20, 1999 hearing. Transcript, October 20, 1999, p. 8.

Respondent through counsel answered the Statement of Charges and submitted a written Answer to the Statement of Charges. Transcript, October 20, 1999, p. 4; Board Exh. 2.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued Registered Nurse License, Number E57134, on August 5, 1994. Respondent was the holder of said license at all times referenced in the statement of charges. Dept. Exh. 1-A.
2. At all relevant times, respondent was employed as a registered nurse at St. Francis Hospital and Medical Center, Hartford, Connecticut. Dept. Exh. 1; Transcript, October 20, 1999, p. 5; Board Exh. 2.
3. During 1998, while working as a registered nurse at St. Francis Hospital and Medical Center, respondent diverted for his own personal use the controlled substance Tylox. Dept. Exh. 1-C-6; Answer: Board Exh. 2; Transcript, October 20, 1999, p. 5.
4. During 1998, respondent abused or utilized to excess Tylox and other controlled substances. Dept. Exh. 1-C-6; Answer: Board Exh. 2; Transcript, October 20, 1999, p. 5.
5. On or about December 6, 1998, while working as a registered nurse at St. Francis Hospital and Medical Center, respondent was sent to the emergency department for evaluation subsequent to his on-the-job performance being questioned. A urine drug screen to which respondent submitted, tested positive for one or more controlled substances. Dept. Exh. 1-D, 1-E-4; Answer: Board Exh. 2; Transcript, October 20, 1999, p. 5.
6. Respondent's abuse of controlled substances does, and/or may affect his practice as a registered nurse. Dept. Exh. 1; Answer: Board Exh. 2; Transcript, October 20, 1999, p. 5.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

James Snow held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges that during 1998, while working as a registered nurse at St. Francis Hospital and Medical Center, Hartford, Connecticut, respondent:

- a. diverted Tylox; and/or,
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- c. falsified one or more hospital records;

PARAGRAPH 4 of the Statement of Charges alleges that during 1998, respondent abused or excessively used Tylox and other controlled substances.

PARAGRAPH 5 of the Statement of Charges alleges that during December 1998, respondent's on-the-job performance was questioned and he was sent for evaluation(s). A urine drug screen was positive for one or more controlled substances.

PARAGRAPH 6 of the Statement of Charges alleges that respondent's abuse of controlled substances, does, and/or may, affect his practice as a registered nurse.

Respondent admits to the allegations in paragraphs one through six of the Statement of Charges.
Answer: Board Exh. 2; Transcript, October 20, 1999, pp. 4-5.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17 . . . (b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following: . . . (2) illegal conduct, incompetence or negligence in performing usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . . (6) fraud or material deception in the course of professional services or activities

Based on its findings and respondent's admissions, the Board concludes that respondent's conduct as alleged in Paragraphs 3, 4, 5 and 6 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2)(5) and (6). Therefore, respondent's registered nurse license is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

Order

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

That for Paragraphs 3, 4, 5 and 6 of the Statement of Charges, respondent's Registered Nurse license, No. E57134, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs respondent, James Snow, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 15th day of March, 2000.

BOARD OF EXAMINERS FOR NURSING

By 

CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 15th day of March 2000, by certified mail, return receipt requested to:

James Snow
244 Summer Street
Plantsville, CT 06479

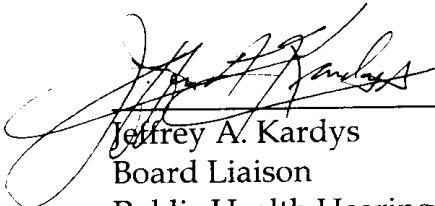
Certified Mail RRR #Z320231954

Martha Murray, Esq.
383 Orange Street
New Haven, CT 06511

Certified Mail RRR #Z320231955

and by Inter-Departmental Mail to:

Stanley K. Peck, Director
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys
Board Liaison
Public Health Hearing Office